

CLD-158

March 15, 2007

UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

C.A. No. 06-3758

JOHNNY LOPEZ

VS.

WARDEN THOMAS CARROLL, ET AL.

(D. DEL. CIV. NO. 05-CV-019)

Present: RENDELL, SMITH AND JORDAN, CIRCUIT JUDGES

Submitted is Appellant's notice of appeal, which may be construed as a request for a certificate of appealability under 28 U.S.C. § 2253(c)(1)

in the above-captioned case.

Respectfully,

Clerk

MMW/MCF/ch

ORDER

The foregoing application for a certificate of appealability is denied. Lopez has failed to make a substantial showing of the denial of a constitutional right. See 28 U.S.C. § 2253(c)(2). For substantially the reasons given by the district court, jurists of reason would not debate the correctness of the district court's decision to deny Lopez's habeas corpus petition. See Miller-El v. Cockrell, 537 U.S. 322, 338 (2003).

By the Court,

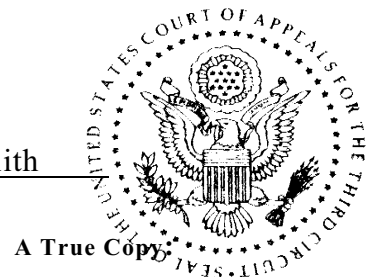
/s/ D. Brooks Smith

Circuit Judge

Dated: April 24, 2007

CH/cc: Mr. Johnny Lopez

Elizabeth R. McFarlan, Esq.



*Marcia M. Waldron*

Marcia M. Waldron, Clerk